S.B.Cr.Misc. Bail App. No. 5538/2007

(Pappu Nayak & Ors. Vs. State of Rajasthan)

Date of order : 15/11/2007

**HON'BLE MR.H.R.PANWAR, J.**

Mr. Umesh Shrimali for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioners that the petitioners have purchased the animals from animal fair and receipts thereof have been sent to the police.

Learned public prosecutor submits that the police has received the receipts which are on the case diary, however, no investigation has been made as to whether the petitioners purchased the animals.

Be that as it may, the petitioners are six in number and each of them carrying one or two animals. Learned counsel for the petitioners submits that the animals have been purchased for domestic use.

Looking to the facts and circumstances of the case, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Pappu Nayak S/o Ramesh Lal

Nayak, Zakir Hussain S/o Abdul Rajjak Musalman, Rizwan Ahmed S/o Shabbir Ahmed Musalman, Ashok Kumar S/o Gajendra Puri, Rajendra Prasad S/o Birdi Lal and Ram Shanker S/o Mathura Lal be released on bail in FIR No. 166/07 P.S. Shambhupura, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(H.R.PANWAR), J.**

**RP**